

Lessons from the Vatican to Protect All Children

Written by Marci A. Hamilton

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MARCI A. HAMILTON, APR 8 2010

The global revelations about the inadequate response by the Catholic hierarchy to sexual abuse of children by clergy is a wake-up call for everyone. When the largest church in the world harbors child predators as the hierarchy has, it is a strong signal that children are at risk in all circumstances. They are.

Around the world, at least 1 in 4 girls are sexually abused and 1 in 5 boys. The vast majority of child sex abuse does not happen in the Church. Rather, it happens in the family. Roughly 70-80 percent of childhood sexual abuse is caused by a family member or close family associate. Close study of what has happened in the Church can lead us toward a better world for children.

There is a great deal of attention being paid to whether Pope Benedict XVI should step down, whether the hierarchy's criminally reckless disregard of child welfare was caused by celibacy, and how the Church should change. I will leave those questions to the believers and the institution itself. The Church has every right to choose its own leaders and to hold whatever beliefs it chooses.

However, what no one can or should leave to the Church (or any single organization) is the welfare of children. Now that we know how children have been treated, we cannot sit by idle; they cannot protect themselves. The following three legal reforms should be pursued in the interest of protecting children in the future.

First, increase information about abusers and abuse through mandatory abuse reporting statutes and criminal background check requirements for any employee dealing with children. The Vatican has taught us that no private institution, no matter how esteemed, is adequate to handle criminal behavior by itself. No secular institution or religious organization should be permitted to keep knowledge about child sex abuse to itself.

The Church hierarchy could have saved itself a lot of trouble if it had just reported each abuser to the police the first time a report arrived. By not involving the public authorities, the hierarchy created the conditions to permit each predator multiple victims and secured to itself full responsibility for each predator and each victim. As we now know, their efforts to control the predators were hopelessly deficient. Legislators should make adults who have regular contact with children mandatory child abuse reporters, and that includes members of the clergy. So if a teacher or a priest or a doctor suspects abuse, they should be required to tell public authorities (either the police or family service agencies, or both). By charging the many adults who have contact with children to look for signs of abuse, we dramatically increase the odds of keeping children from future abuse.

In addition, no employer should be permitted to hire an employee dealing with children without doing a thorough criminal background check. There should be no excuse for ignorance about one's employees given what we know now.

Second, victims should be permitted to go to court when they are ready, which means they need decades. Numerous studies have established that survivors typically need decades to come to understand what happened and that their childhood was stolen. Statutes of limitations are arbitrary deadlines for prosecutors to file charges against a criminal and for victims to sue in civil court for damages. We have learned from the Catholic Church's issues that in many countries they are much too short and frequently expire before victims are ready to go to a prosecutor or court. In

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other words, we have established a legal system that protects predators from being named in public or sent to prison and that keep victims silent. When I wrote *Justice Denied: What America Must Do to Protect Its Children* (2008), I was only thinking about the United States's deficient and overly short statutes of limitations. I now realize it should have been subtitled, *What the World Must Do to Protect Its Children*. It must.

Third, there needs to be a new international crime established and pursued. Right now, there is no question that trafficking children for sex across national boundaries violates both national and international laws. The Catholic Church has shown us a separate problem – the movement by organizations of child perpetrators across national boundaries. One of the most important elements of the Irish reports on abuse by priests is the documentation provided of abusing priests moved from Ireland to the United States. They made it that much harder to protect children, and no organization in the future should be able to look at the movement of pedophiles as a solution to its problems. Instead, such movement should be considered an even more serious problem than they already have on their hands.

The Roman Catholic Church's failures can be an opening to a better world for children. But only if the global community embraces its responsibility to learn the lessons available and takes the actions that will guarantee that future organizations cannot repeat the same mistakes.

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Professor Hamilton has served as constitutional law counsel in many important clergy sex abuse and religious land use cases, and has testified before numerous state legislatures regarding elimination of the statutes of limitations for childhood sex abuse. She is frequently asked to advise Congress and state legislatures on the constitutionality of pending legislation and to consult in cases involving important constitutional issues.